THE EXAMINER.

No. 182. SUNDAY, JUNE 23, 1811.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 178.

MR. DRAKARD AND MR. COBBETT.

(Continued and concluded from last Sunday.)

Now, how does Mr. COBBETT reply to all this?—Here was an excellent opportunity for him to prove, if he could, that *he knew of no other Affidavit* than the pretended abridgment of it in the *Courier*;—here was an excellent opportunity for him to shew, that he was actuated by no motive against Mr. DRAKARD beyond that which arose from unconscious misinterpretation; and above all, here was *another* excellent opportunity for him to contradict, if he dared, the charge of having offered to exchange his Journal for a Ministerial Pardon. But does he explain and do away these miserable matters? Not an atom of them. With regard to his motives and to his late attempt on the commiseration of the Government, he holds his tongue, as usual, and is happy to retreat into the shelter of the word "abuse;" and as to the misrepresented Affidavit, let the readers take, if they can, the following explanation, which would alone be sufficient to shew the native meanness of his soul:—"I took the substance of the Affidavit," says he, "from the *Courier* newspaper, because I found in that paper the *fullest* account of the proceedings." Yes, so he did,—of the *proceedings*:—but why mark the *fullest* in Italics, and not proceedings? Because he knew very well that though the *Courier* may have given the fullest account of the *proceedings*, it gave a petty and wrong report of the *Affidavit*, the fullest account of which was to be found elsewhere.—He proceeds:—"Mr. DRAKARD is, it would seem, angry with me for the remarks I have made, and he has sent me a letter upon the subject as follows:—"As you have thought proper, with the means of correct information in your power, to give to the public a very incorrect, and in some respects *false* account of the substance of my Affidavit in mitigation of punishment, recently filed in the Court of King's Bench, I demand of you, *as a matter of right*, an opportunity to *disavow*, in your paper, the sentiments which, in it, have been improperly attributed to me. This I now do;—and I appeal from your misrepresentations to *the Affidavit itself*, as published in the *Stamford News* of Friday, May 17th—also to observations on your attack, published in that print on Friday, May the 24th."—"This," continues Mr. COBBETT, "is the whole of his letter, except that he refers to *two other publications*, in which his Affidavit has been published, and which can be of no consequence in this case; for, as all the copies of the Affidavit are, doubtless, the same, one reference appears to be quite sufficient."—Never was there a more despicable attempt at deceiving the reader than in this account. In the first place, if *these two other publications* are of no consequence in the matter, *why leave them purposely out of Mr. Drakard's letter?* It is quite an unusual thing to garble letters in this way, but it is utterly unaccountable to garble them *for nothing*, and to take the trouble of writing six or seven lines about omitting them, when two words,—two names, left as they were written, would have done as well.—Unluckily however, they would *not* have done as well for Mr. COBBETT, for though "one reference *appears* to be quite sufficient" at first sight, and is so, with respect to a country paper which Mr. COBBETT *may not have seen at the time*, yet the reference becomes a very different thing when it looks to papers which Mr. COBBETT is *in the habit of seeing*; and which there can be no doubt that he *had* seen at the time, namely, the *Statesman* and the *Examiner*,—for these are the *two other publications* whose names are with such wretched cunning suppressed. This is quite enough to exhibit the man; but to make the thing worse, he proceeds to argue that his misrepresentation of the word used in the Affidavit is a mere nothing. "In what way *then*, is it, that I have mis-stated this Affidavit? Be it remembered,"—(yes, his readers well remember the *singular pains* he took to *anticipate* objections on this head!)—"be it remembered, that I professed to give no more than the *substance* of it. But how have I done it *wrong*? This gentleman seems to imagine that I must necessarily have read the Affidavit *now* at any rate. I have; but it does not follow that I *must* have read it. I have, however, and how have I misrepresented it?" *Only*, he tells us, with regard to the word *mob*. His quotation, he says, "was the representation of the *Courier*. And in what was it "incorrect;" in what was it "false?" Why, the word "MOB" was not in the Affidavit."—"Well, then," he proceeds, "the word *mob* ought not to have been in the abbreviation, perhaps; but what great difference is there in the word *mob* and the word *populace*, used in such a case? Nay, if it had been the word "gentlemen," would that have mended the matter much? A mere *word*, in such a case, is nothing at all."—It is painful to think of such miserable shuffling as this. What changes has not this man rung, in various parts of his *Register*, upon the word *mob*, or such other contemptuous appellations bestowed upon the Reformists? With what delighted pertinacity, in the hope of moving the popular mind, has he not dwelt upon the use of such terms by other people?—and yet "a mere word, in such a case, is nothing at all!" It is possible that he may feel, in some respects, no difference between one of the "*mob*" and a "gentleman;" it is even possible that his vocabulary may contain no distinction between truth and falsehood, and that his conscience

may discern no difference of meaning between the word *Cobbett* and the word *poltroon*; but why then did he take so much pleasure in repeating this *mob* and bringing it out to the eyes of the reader with capitals and italics? Plunging deeper and deeper into contradictions in every step, he endeavours to exculpate himself by telling us that Sir VICARY GIBBS, and Judge GROSE took up the substance of the Affidavit in the same light as himself! A circumstance which he would have turned the very contrary way, and produced as a reason for *not* having the same view of the matter as themselves,—if this contrary way had suited his purpose.—In a word, why did he go to the *Courier* at all for his information,—to that very paper, above all others, which he has *so often denounced as a heap of systematic falsehoods*, not to be trusted on any occasion, and still less upon any matter reflecting on the popular side? How came he to turn from the *Statesman* and the *Examiner*, which contained the whole affidavit as he was *bound* to read it, and "choose," as the *Stamford News* very properly says, to look to another which he professes to disbelieve and to despise?—The thing is clear. Since the time when he called the *Stamford News* an "admirable paper," he has seen a little more of it, it's principles, and it's opinions; and instead of being any longer "admirable" in his eyes, it instantly became obnoxious to his vanity and galling to his conscience. He does not chuse to see Reform advocated but in his own taste,—in a tone of thinking and speaking, that inevitably destroys it's dignity and renders its motives suspected: thus he is vulgar and cunning, overbearing in profession, and cowardly in practice:—the true Reformists, on the other hand, are of a different opinion, and chuse, if possible, not even to be suspected by decent people:—they are therefore well-tempered and frank, steady in profession, and equally resolute in practice. He makes professions with a turbulence that is vague and noisy, because it has a voice to silence within;—they make professions with a modesty which is distinct and calm, because it has nothing to conceal:—he gives into the arts of corrupt people, because he finds them necessary to the corruption of his views;—they avoid every thing of the kind, because such arts are not necessary to the cause they maintain, and it's dignity would forbid the use of them, if they were:—he, in short, can suffer nothing with patience, except contempt:—they, every thing, if it is necessary, but a bad conscience. Such is the difference between the two parties; and so let them move off to their respective destinies,—one to the contempt and rejection of the public mind, the other to it's respect, it's confidence, and it's gratitude.—For my own part, I thought to have indulged in a hearty laugh against Mr. COBBETT on this occasion, but merriment and a profound disdain do not suit the risible muscles at once. If he can laugh upon it himself, I shall think rather worse of him perhaps than I do now; but it is not likely that he will. Despise these charges he cannot, and deny them he dare not. All that the Proprietors of the *Examiner* expect in answer, is, I confess, some little piece of praise, on a future occasion, by way of turning the current of their feelings.—Poor creature!

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MR. DRAKARD.

The following Address to the Public has been agreed to and adopted at a meeting of Mr. Drakard's friends, and is now by them submitted to the public:—

ADDRESS.

The *Stamford News* is a weekly provincial journal, printed in the town of Stamford, and circulating throughout the kingdom, but chiefly in Lincolnshire and its neighbouring counties. Contrary to the usual practice of provincial journals, it has, from its commencement, entered largely into the discussion of political questions; a measure which certainly shews the spirit of the Proprietor, and which, as an example to others, is calculated to be as beneficial to the public as it is honourable to himself. Country newspapers find their way among those classes which form the *stamina* of a state;—but whose information on political subjects is generally derived from a vapid mass of stale compilation, circulated from the nearest large town, and usually distinguished by venality and dullness. That such persons should have a more faithful and competent guide, concerning these matters, is very certain, if it be true, as our wisest men have said, that the glory of Great Britain has been reared, and can alone be supported, by the intellect of her people;—that the security of her establishments, which have stood while others have fallen, is owing to their being founded on popular opinion;—in short, that to be great and happy, we must be free,—and to be free we must have a public conversant with, and interested in, what are termed politics.

The *Stamford News*, by carrying independent and constitutional political discussion amongst readers of the above description, has done much itself towards exciting that watchful temper and spirit of sound thinking, which ought to distinguish the people of a free country, while it has shewn an example which has already been followed, and which bids fair to give a new character to provincial journals. In proportion, however, as its influence became visible, in an extensive circulation and an alert political feeling, shewing itself in a part of the country which might before be termed "the valley of dry bones" as to politics, it has, as was to be expected, been regarded with strong dislike by some, and attracted a most determined and powerful opposition. Lincolnshire, and its neighbouring counties, abound with persons to whom the progress of independent sentiment must be very alarming, and consequently very hateful. These have long held an undisturbed sway;—but times are rapidly changing,—and they have every reason to look with much fear to the future. In the mean time, however, they make no secret of their hostility against a publication, the principles of which are incompatible with the existence of the system from which they derive surreptitious advantages; and they have openly and strenuously exerted themselves to put it down.

Mr. Drakard, the Proprietor of the *Stamford News*, has recently been found guilty of publishing a libel. The Jury which returned this verdict was chiefly a special one, selected by the Master of the Crown Office;—the article submitted to them was the same, in every particular of consequence, with that which a London Jury, in the case of the prosecution against the proprietors of the *Examiner*, pronounced innocent. In consequence of the former verdict, Mr. Drakard has recently been sentenced to undergo a confinement of eighteen months, in the gaol of the county of Lincoln, to pay a fine of two hundred pounds to the King, and to give security for his good behaviour for three years; himself in four hundred pounds, and two sufficient sureties in two hundred pounds each.

It will scarcely be disputed by any one, after recent interpretations of the law, that writing or publishing a libel does not necessarily constitute a *moral crime*;—but that, on the contrary, it is very possible for a man to be severely punished as a libeller, with loss of liberty and property, for rendering an

essential service to his country, and to the cause of truth and virtue. This the learned Judge, who passed sentence on Mr. Drakard, rendered very clear, by accusing the latter of *libelling* the enemy, inasmuch as he had held up the Ruler of France to detestation as a tyrant. The propriety and utility of reprobating the relentless despotism under which France groans, cannot be disputed,—and will least of all be disputed by the learned Judge; it is however *libelling*: who then can any longer doubt that an individual may be, at one and the same time, a libeller, an honest man, and a patriot?

Without pretending to decide whether Mr. Drakard has or has not committed any *moral crime*, the following matters of fact are submitted to the public.—First, The greater, and by much the strongest part of the article, found by a Lincolnshire Jury to be a libel, was brought by the Attorney General before a London Jury, who decided that it was not criminal.—While, therefore, the publisher in Stamford is fined and imprisoned for guilt,—the publishers in London walk forth, free and fearless, as innocent men.

2dly, An act of Parliament, passed almost at the moment of Mr. D.'s conviction, has sanctioned the principle maintained in the article for which he was convicted:—namely, that the punishment of flogging was inflicted in a very improper manner on the British soldier. In the last Mutiny Bill a clause was introduced, limiting the infliction of this disgraceful punishment, the impropriety and impolicy of which have long been denounced by military men; who, however, remained unattended to by Ministers, until the Attorney General, by prosecuting Mr. Drakard for recommending an alteration in the law, suggested the necessity of immediately effecting it. This at once answered the purpose;—the proprietor of the *Stamford News* is fined and sent to prison, and the soldier reaps the benefit of his interference. The progress of improvement has ever been after this method; and Great Britain owes to exertions which have sent persons to a dungeon, and often to the scaffold, those blessings which afford Lord Ellenborough and Mr. Perceval a theme for just panegyric; which were not attained, however, but after a hard struggle with Judges and Ministers; which in fact, have ever been wrested, in defiance of danger, from the clenched hand of stubborn authority.

Thirdly, Mr. Drakard, having the verdict of a London Jury in his favour, and an act of Parliament sanctioning the principle of his publication, further proved on his trial, that the language he made use of to enforce it, was not a whit more strong or unguarded than had frequently been adopted, in writing on the same subject, by military men of high rank and fame, whose honest intentions have never been questioned, and whose conduct has been deservedly rewarded. These distinguished persons have represented that flogging is a great injury to the army—Mr. Drakard has been fined and imprisoned for injuring the army by writing against flogging!

Fourthly, Mr. Drakard on his trial was charged with being a *friend* to Bonaparte: his affidavit has so entirely rebutted this charge, that the Judge, who pronounced his sentence, accused him of *libelling* Bonaparte. Both allegations cannot be true; and it is therefore possible that by a false one his Jury was influenced to find him guilty.

Mr. Drakard's reputation as an individual will not be found to lessen any impression which the above circumstances may make in his favour. He is respected in his neighbourhood as an industrious, worthy man,—discharging his social and domestic duties with exemplary regularity. Those who have opportunities of knowing the good done by his paper, thus declare him to be well worthy the support of the public under the severity of his sentence; and are of opinion, that a very essential service will be rendered to the cause of political independence by contributing to remunerate him for the heavy losses incidental to his prosecution by the Attorney General. He is doomed to suffer much in his person; but the injury he has sustained in his property may and doubtless will be repaired.—The learned Judge held out his sentence as a warning to public writers;—it is proper that the people also should hold out their warning to public writers; namely, that support shall never be wanting to those who vindicate their cause.

FOREIGN INTELLIGENCE.

FRANCE.

PARIS, JUNE 13.—Marshal Oudinot, Duke of Reggio, is arrived at Paris. According to the last intelligence from Salamanca, the French quarters of the army of Portugal are in that city. A part of the army is quartered along the frontiers of Portugal—the other troops are in cantonments in the Spanish provinces of Salamanca. The army is abundantly supplied with provisions and ammunition. Lord Wellington has published fresh orders to reinforce the Portuguese army—his army continues entrenching itself. The right wing of the English is now stationed on the frontiers of Spanish Estremadura, to cover the province of Alentejo. The Duke of Istria is with his head-quarters and staff at Valladolid. His corps occupies Old Castile, Leon, Montana, Asturias, and the provinces near France. The towns of Burgos, Valladolid, and others, have strong garrisons.

TO HIS HIGHNESS THE PRINCE OF WAGRAM AND NEUFCHATEL.

MONSEIGNEUR, *Salamanca, May 14.*

I had the honour to give an account to your Highness, in my last dispatches, of the success which the army obtained on the 5th of May, over the right wing of the English army. The enemy had employed the night between the 5th and 6th, as well as the last of these days, to entrench the centre of his line, which the army threatened in flank by its position after the attack. From that moment he has laboured incessantly at his trenches. The attack of these works was difficult. Considering also that the garrison of Almeida had provisions for only 10 days, and that I could give them a supply only for a few days more, I thought it my duty, under these circumstances, to give orders for exploding the mines which had been prepared two months ago, according to the instructions of your Highness; and to direct General Brenier, who commanded the fortress, to come and join me. Several days were necessary for charging the mines.

On the morning of the 7th I caused my troops to make some movements, in order to keep the enemy in that state of alarm which he discovered by the assiduity of his labours, and I made a shew of reconnoitring all the approaches to his line.

On the 8th, I improved my position, continuing to occupy the village of Fuente d'Onoro. The object of these dispositions was to make the enemy fear a movement on the centre of his line, or on one of his flanks. He therefore kept himself the whole day in a mass, under arms, and in continual manœuvres.

On the 9th, the army remained in the same positions, and my reconnoitring parties felt the whole of the enemy's line. The English never shewed themselves beyond their rocks and entrenchments: they shewed by all sorts of defensive arrangements, how much they had been intimidated by the vigorous attack of the 5th.

On the 10th, at midnight, the mines of Almeida were sprung; five bastions and four half-moons were entirely thrown down, and the fortifications destroyed. General Brenier displayed as much talent as intrepidity in the conduct of this affair. He retired with his garrison upon Barba del Puerco, where he joined the 2d corps, overthrowing all that opposed him.

The operation which had put the army in motion being thus terminated, it has retired to its cantonments. I beg your Highness to lay before his Majesty the good conduct of the officers and soldiers on this occasion, and to solicit the bestowal of the different rewards which I demand in my ulterior reports.—I am, &c. MASSENA, Prince of Essling.

REPORT OF HIS EXCELLENCY MARSHAL DUKE OF DALMATIA, TO HIS SERENE HIGHNESS THE PRINCE OF NEUFCHATEL, MAJOR-GENERAL.

Monseigneur,—I left Seville at ten o'clock on the night of the 9th, as in my report of the 9th I had announced to you.

On the 12th, I joined, between Fuente-Cantos and Burivenide, the division commanded by Gen. Latour-Maubourg; on the 14th, I took a position at Villa-Franca and Almendralejo; on the 15th, at Santa Martha and Villalba. My cavalry had pushed on close to Albuera, where I learnt that the armies of the enemy had formed a junction. The different Spanish, Portuguese, and English corps arrived from Cadiz and from Lisbon, and even an English brigade, drafted from Sicily, had menaced Andalusia. My advance had the effect of rescuing this province, by compelling the enemy to recal all their corps, in order to unite them on the Albuera. Thus, on the 15th, we found ourselves in the presence of the hostile army, and I resolved not to lose an instant in giving them battle.

The position occupied by the enemy was advantageous; it was at the meeting of the roads which lead to Badajoz, and to Juramenha by Valverde and Olivenza; but the Spanish division, under Blake, had not yet joined; and although by deferring the engagement I might have expected some reinforcements, and though I had at my immediate disposal only four brigades of infantry, making 15,000 men, with 3,000 horse, the whole amounting to no more than 18,000, I thought it advisable to anticipate the junction of Blake, with his 9,000 Spaniards, and to attack them on the right, in order to throw myself upon their line of communication: besides, the nature of the ground rendered this point of attack the most advantageous. I knew that Gen. Beresford, who commanded the army opposed to me, had two divisions of English infantry amounting to 10,000 men, 8,000 Portuguese, and 3,000 Spaniards, under Castanos, with 3,000 cavalry, making in all a strength of 24,000 men: but I entertained no doubt of success.

General of Division Latour-Maubourg commanded all our cavalry, and General of Division Girard commanded the two first brigades, making 7000 men. The Brigadier-Generals Werle and Godinot commanded each one other brigade.

General Godinot with his brigade, enforced by five squadrons, under the orders of Brigadier-General Briche, was directed to make a false attack on the village of Albuera. I bore with the rest of the army on the right wing of the enemy, which was at the same time charged by our cavalry. General Latour-Maubourg manœuvred with equal address and intrepidity: he tried, but in vain, to draw out the enemy's cavalry into the engagement; but it persevered in constantly keeping itself in reserve. Gen. Girard, with his two brigades, advanced *au pas de charge*, and made himself master of the enemy's position. This position had been occupied by a Spanish division and an English brigade, who gave way, after a very obstinate resistance, and were hotly pursued. The field of battle was covered with their dead, and we have taken a good number of their prisoners.—The second line of the enemy then advanced and fell upon our line with considerable effect.

Having placed myself on the height, I was surprised to see so great a number of troops; and a little after, I learnt from a Spanish prisoner, that Blake had come up with 9000 men, and effected a junction at three o'clock that morning. The contest was no longer equal; the enemy more than 30,000 strong, and I only 18,000. I thought it therefore my duty no longer to pursue my design, and I ordered the position that had been taken from the enemy to be kept. In the mean time, the enemy approached close to our line, and the contest became most terrible. Gen. Latour-Maubourg made a charge with the 2d of the hussars, the 1st of the lancers of the Vistula, and the 4th and the 20th of the dragoons, with such skill and courage, that three English brigades were entirely destroyed. Six pieces of cannon, 1000 prisoners, and six colours (those of the 3d, 48th, and 66th English regiments), were left in our possession. The enemy left us the position which we had taken from them, and no longer dared to attack us. The firing continued till four o'clock in the afternoon, when it ceased on both sides.

Brigadier-Generals Werle and Pepin were killed: Brigadier-Generals Maransin and Brayer, wounded. Col. Prœeske, of the 28th regiment of light infantry, was killed, as were the Chiefs of Battalion Astroc and Camus, of the 26th and 28th regiments. [illegible] killed and wounded amounts to 2800 men. The enemy have made no prisoners, if we except 2 or 300 wounded that were left on the field.

The enemy have lost three Generals killed, two English and one Spanish; and two Generals wounded. A thousand English were made prisoners, (some of them have since escaped, but this very day we counted 800;) 1100 Spaniards were likewise taken prisoners. All the accounts I have been able to procure, make the loss of the enemy in killed and wounded amount to 5000 English, 2000 Spanish, and from 7 to 800 Portuguese. There is, then, a total loss of 9000 men for the enemy; that is to say, three times the loss sustained by us. The troops have covered themselves with glory. Our cavalry made the finest charges, and particularly distinguished itself. The artillery maintained its reputation. I had constantly in play 40 pieces of cannon, that vomited out death among the hostile ranks. The English have lost more than half of their number.

The 17th, we remained in the presence of the enemy. Five thousand men from Elvas have joined the army of the enemy. I continued to keep the field of battle, and on the 18th, at the break of day, I made a flank movement upon Solano.

I have given in charge to Gen. Gazan, to conduct our English and Spanish prisoners, together with my own wounded, to Seville, with a suitable escort. As soon as I know he is arrived, I shall manœuvre to unite with other troops, and to complete the defeat of the enemy.

[The dispatch concludes with the usual compliments to individuals; adding, that the greater part of the Etat Major, and his Aides-de-Camp, were dismounted, and some wounded.]

Solano, May 21. Marshal Duke of DALMATIA.

PROVINCIAL INTELLIGENCE.

On Sunday morning last, at five o'clock, a duel was fought at the back of the barracks, at the end of North-street, Canterbury, between Capt. Cutcliffe, of the 23d Light Dragoons, and Lieut. Quillinan, of the same regiment. One shot only was exchanged, when Lieut. Quillinan's ball slightly grazed Capt. Cutcliffe's right cheek; the seconds then interfered, and the matter was adjusted.—Immediately after this was settled, a second duel took place on the same ground, between the said Lieut. Quillinan and Capt. Cox, also of the 23d regiment. After firing once without effect, the parties were reconciled.

On Friday week, an inquisition was taken at Billingborough, Lincolnshire, on the body of Ann Handley, a young woman scarcely 11 years of age, who died in consequence of having taken 30 grains of opium. Without assigning any cause for uneasiness, other than the insufficient one of her brother having enlisted for a soldier, she repeatedly complained to some neighbours of being very unhappy; and on the Wednesday that she took the poison, she went into the house of a widow woman, renewed her complaints of being miserable, and in a short time fell into a profound sleep. When, after some time, she was awakened, she confessed having taken poison, and medical aid was immediately called in—but too late:—she died in a short time. The Jury brought in a verdict of *felo de se;* and the Coroner made an order for interring the corpse, without a coffin, in the highway, near Piper-dam bridge. On turning up the earth there to deposit her remains, the bones were found of another female, who, about twenty years ago, was buried there (in a coffin) for the same act as that for which the ignominy of the present interment was so ignorantly directed.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, June 17.

Several Bills were forwarded in their respective stages.—Adjourned.

Tuesday, June 18.

The Insolvent Debtors Relief Bill was read a third time and passed.

THE CATHOLIC CLAIMS.

The Petition from the Irish Roman Catholics being read; the Earl of DONOUGHMORE, having first shewn the propriety of the measure, moved, "That this Petition be referred to the consideration of a Committee."

A debate of some length ensued, which, upon a subject so often discussed and so well understood, it is not necessary to repeat.—The arguments so often brought forward against the rights of the Catholics were again adduced, and again refuted and exposed.—In the course of the debate, a curious assertion was made by Lord REDESDALE, that Mr. Pitt had *other reasons* for retiring from office than his professed one,—his inability to carry the Catholic Question.—This assertion was warmly denied by Lords GRENVILLE and SPENCER, but is not the less probable on that account.—The motion was supported by the Marquisses of DOWNSHIRE and LANSDOWNE, the Bishop of NORWICH, (who denied that the English Clergy were adverse to the claims of the Catholics) Lords GRENVILLE, SPENCER, MOIRA, HOLLAND, and GREY.—It was opposed by the Earls of LONGFORD, BUCKINGHAMSHIRE, ABERDEEN, the LORD CHANCELLOR, and Lord REDESDALE.—On a division there were, for the motion, 62—against it, 121—majority, 59.—Adjourned.

Wednesday, June 19.

The Vote of Credit and other Bills were passed.—Adjourned.

Thursday, June 20.

The House was occupied during the evening in a Committee on the Berkeley Peerage.—Adjourned.

Friday, June 21.

Several Bills were forwarded; and on the third reading of the Navy Prize-money Bill, the Earl of SUFFOLK made some observations on the great and notorious abuses in the management of Prize-money, which, it is to be hoped, will lead to their correction.—Adjourned.

HOUSE OF COMMONS.

Tuesday, June 18.

MR. DRAKARD.

Lord FOLKESTONE presented a Petition from Mr. Drakard, proprietor of the *Stamford News*, stating the hardships of his case in having been prosecuted for a libel, for the insertion of an article for which the Proprietors of another Paper, who copied the same from the *Stamford News*, had previous to the Petitioner's trial been tried for a libel, and had been found not guilty; and also stating many other circumstances of hardship attending his case, which he conceived to be contrary to the true intent and meaning of the law; and praying such relief as the House might think fit.—Ordered to lie on the table.

FRENCH PRISONERS.

Mr. CHRISTIE, from the Transport Board, presented at the bar several Papers relative to the Prisoners in Dartmoor Prison.

Mr. ROSE said these Papers were presented in consequence of a Noble Lord (Cochrane), who he was sorry not to see in his place, having asserted, that the Prisoners confined in that prison had died thirty and forty in a week. The fact was quite otherwise, for at no time but one, which was about two years ago, had there been any extraordinary mortality among the prisoners. That one time was in consequence of some French Prisoners being sent there, who had been landed from the West Indies, and who brought over with them an infectious disorder, which was however by skilful medical practice subdued in about a fortnight, and the prisoners had ever since been remarkably healthy. It had been also asserted, that there was a great deal of filth and dirt in the prison, but the reverse was the case; and there was a stream run through the prison of as pure water as any in England.—The Papers were ordered to be printed.

EAST INDIA COMPANY.—MAJOR OLIVER.

Mr. P. MOORE presented a Petition from Major James Oliver, late of Fort St. George, stating that he entered the service of the East India Company in 1760, and continued in it 36 years; that he had been in fourteen general actions—at the reduction of twenty-four forts, many of which were taken by assault—that on his return home a few years ago from ill health, complaints had been preferred against him, not in a military, but a civil capacity, and he had been dismissed the service without any trial—that he could not obtain a hearing—and he thought the Court of Directors had assumed inordinate power. He, therefore, prayed such relief of the House as to them should seem fitting.

Mr. WALLACE said the Court of Directors had certainly a right to dismiss their servants:—this gentleman was charged with having been engaged in commercial transactions while he was Governor of the Molucca Islands, contrary to the rules and regulations of the Company. He had also before been dismissed for lending money to the native Princes at the usurious interest of 36 per cent.

Mr. ASTELL said the Petitioner had been repeatedly accused and convicted of offences against the rules and regulations of the Company.

Mr. P. MOORE said he understood that during the 14 months the Petitioner was Governor of the Moluccas, he had reduced the Company's expences 1,140,000 dollars, and he was now in a starving state.—The Petition was ordered to lie on the table.

MILITARY TORTURE.

Sir FRANCIS BURDETT rose to make a motion respecting corporal punishments in the army. The subject had for several years pressed upon his mind, and he at length determined to bring it forward to the House; but having, from time to time, heard from several gentlemen, high in the army, that Government had an intention to abolish it, he had been induced to withhold, wishing rather that the measure should voluntarily flow from them. It had been said, at the time of passing the Mutiny Act, that a clause would be introduced, which would have the effect of abolishing this scandalous punishment by degrees; but having found, from the clause in the Local Militia Act, that was not the case, he thought it his duty not to lose a moment in coming down to the House, to give a notice on the subject; and he had only brought forward the case of Taylor as an instance of what was necessary to be done. Finding, however, that the case of a Local Militia-man did not perhaps sufficiently apply to the case of the general adoption of this punishment in the main body of the army, he had given up that case, and thought it best to proceed on the motion which he should submit to the House. There were other reasons which urged him much to come forward with it. The press had been treated with uncommon severity on account of mentioning the disgraceful punishment of flogging our soldiers. Very severe sentences had been passed on two public writers, for having said that these degrading punishments in our army had—

Sir M. WOOD spoke to order, and was proceeding to comment on the Speech of Sir Francis Burdett———

Mr. BROUGHAM spoke to order, and said, if the Hon. Baronet who spoke last was allowed to proceed in that way, he should move that the debate be adjourned.

The SPEAKER said, Sir M. Wood had not shewn any thing to prove the Hon. Baronet, whom he had interrupted, was out of order:—he must do that, and not comment on the Hon. Baronet's speech.

Sir M. WOOD then moved that the Gallery be cleared.

[The Gallery was then ordered to be cleared; but when most of the strangers had withdrawn, in consequence of the motion not being persisted in, they were re-admitted.]

Sir FRANCIS BURDETT, on the re-admission of the Reporters into the Gallery, was speaking on the motion. In the view that he took of this subject, he was sanctioned by the opinions of many persons who had eminently distinguished themselves in the service of their country. Many gallant officers not only agreed with him in theory, but had proved in practice, and in the discipline of their corps, that the system of flogging is not essential to the discipline of the English army, and that it was as unnecessary as it was cruel and disgraceful. Among the many bright examples of officers that knew how to maintain proper discipline in their regiments without flogging, he thought it would be injustice not to mention the illustrious name

of his Royal Highness the Duke of Gloucester, who for the last three years had kept his regiment in a high state of discipline without having recourse to flogging; and it appeared to him that his conduct in this respect did equal credit to his abilities as an officer, as it did to the amiable qualities of his heart. He was sorry to be obliged to state another most remarkable instance of the inefficiency of pursuing an opposite conduct. The 15th regiment of dragoons was a regiment long distinguished for its efficiency in the field, and for its peaceable, modest, and proper demeanour in every respect, *before* his Royal Highness the Duke of Cumberland got the command of it. Until that time, punishments had seldom been known in it; and it was a melancholy thing to state, that more cruel punishments took place within a few months *after* the Duke of Cumberland was appointed to the command, than had taken place in that regiment ever since the period of the Seven Years' War, down to the time in which he had got the command of it!'—The excellent pamphlet of Sir Robert Wilson upon this subject, was, as he supposed, in the hands of every Member: and therefore he should content himself with stating, generally, that that gallant and distinguished officer most decidedly reprobated the system of flogging. He understood, also, that the present Commander in Chief wished, as far as was in his power, to get rid of this ignominous and cruel mode of punishment; and he must do him the justice to say, that he understood that in the management of his own regiment a very mild system of discipline had always been pursued. He thought it would also be doing justice to the known humanity of the Prince Regent, not to suppose that he also felt alive to the sufferings of our brave soldiers, and that he also would be very anxious to free them from such degrading and cruel punishments. He therefore by no means thought the improbability of succeeding in this object was as great as it appeared to many men. He would mention, also, a militia regiment which had been commanded by Lord Euston, now Duke of Grafton. This regiment had long been considered as a pattern regiment, and many other officers endeavoured in vain, by the *severity* of the punishments, to make their regiments equal to it; and yet Lord Euston brought his regiment to this perfection without having recourse to flogging. The instrument called a cat-o'-nine-tails was not known to the drummers of that regiment. When persons of such rank and acknowledged merit, as he had mentioned, had proved by practice that the best discipline can be kept up in the army without flogging, he conceived himself entitled to state, that it would be well for the British army, in every point of view, if the example and authority of such men were generally followed. In the cases that he should state to the House, he derived his information from persons who were in situations that gave them the means of knowing, and of whose veracity he had no doubt. He did not think it proper to name his authorities in the first instance, although many of them had given him permission so to do. He considered that naming them now, might possibly do injury to those individuals without being of any public advantage; but if the House had granted an enquiry, he would certainly have brought them forward as witnesses to *prove* the statements he should now make. He had been informed by a surgeon of a regiment, that a man under his care who had a defect in his sight, had literally been flogged for *being blind!*—(*Murmurs from the Ministerial benches.*)—The case was this: the Surgeon who gave him the information was a young man at the time, but this soldier had been under his care, and even undergone many painful operations for the defect of his sight, which he was convinced was natural. The case, with many others, was referred to a senior Surgeon, who was a hasty and careless man. His report was, that there was nothing the matter with his sight, that it was all a pretence to avoid duty, and that he was (to use a term he did not understand) a *malingerer* (maligner). The young Surgeon finding his professional judgment thus impeached, appealed to the judgment of another Surgeon of still greater practice, who coincided with him that the defect of sight was real. Nevertheless the man was brought up to a trial by Court-martial for being a *malingerer*, was actually condemned, and did receive a hundred lashes! When the Surgeon of superior standing afterwards told the officers that the man really had a natural defect in his sight, the answer of one of them was—"Well! what signifies a hundred lashes to a man of his description?" This case he would be ready to prove if an enquiry should take place. Another instance he had to state of severity of punishment was, that at Gibraltar, two men had been so harassed and disgusted with the service, that to get rid of it *they chopped off, each of them, one of their hands!* Instead of gaining their object, and getting rid of the service, they first received a severe punishment for this offence; and after they had so received their punishments they were condemned to eke out the remainder of their lives in servile employments, and no soldier was allowed to speak to them. He must, however, ask, upon this case, what must have been the disgusts which those men had received, to induce them even to cut their own hands off, and how harassing must that service have been, which they would take such methods of endeavouring to free themselves from? There was another case of a soldier of 70 years of age, and who had served for upwards of 50 years with great credit and an excellent character. He unfortunately got a little in liquor, and was sentenced to be flogged. In vain he stated his length of service, his never having been before sentenced to any ignominious punishment, his wounds, and his age. The answer to him was, that his age and his length of service should have made him know better; and he was flogged. The very same day, another soldier, a young lad of 16, was condemned for some impropriety of conduct. He pleaded his youth and inexperience: but he was answered, that on that very account he must be made to learn his duty; so that youth or age, inexperience or long and faithful services, were urged equally to no purpose, as a mitigation of the severity of punishment.—When he was confined in the Tower, he was unfortunately an eye-witness of the severity of the punishments that were inflicted on very old men for trivial offences. One of them had been 30 years in the army, and had received no fewer than seventeen wounds in the service of his country. It was, indeed, a most painful sight to see an old man, whose breast was scarred with honourable wounds, having his back lacerated with ignominious stripes for some petty offence. He saw another old soldier flogged, who had been twenty-seven years in the service. As to the severity and cruelty of the punishments, he could not have had an idea of it, if he had not been an eye-witness. Great as the corporeal suffering must be in such cases, he thought the shame and disgrace of it were still worse. There were but few persons who knew what a severe instrument of torture the *cat-o'-nine-tails was.* Every lash inflicted by it was, more properly speaking, nine lashes! These were pieces of whipcord, not such as Gentlemen used to their horse-whips, but each of them as thick as a quill, and knotted. This *dreadful engine of Torture* was frequently applied by the strength of fresh men relieving each other until human nature could bear no more suffering; and then, if pains were taken to recover the unhappy sufferer, it was only to enable him to undergo fresh agony and farther pain!! What appeared to him to be the most disgusting thing in the whole transaction was, the attendance of the Surgeon, whose business appeared principally to detect any lingering principle of life which could enable the man to undergo more torture; and his art and knowledge, with an almost impious profanation of the healing art, was exercised principally for the purpose of renewing the faculty to bear fresh tortures. He really did not believe that in the description the poets gave of *Hell*, there were any tortures equal to what is called a military punishment. He believed the principal part of the complaints of the soldiers and of the reasons for which they were flogged, was, that they were often dissatisfied with the manner in which their pay and what was called "necessaries" were furnished. (The Hon. Baronet here read an extract from a work of Major James, in support of his opinion, that such was the general cause of discontents in the army, and military punishments.) He had often thought, that if instead of nothing but punishment for offences however slight, soldiers could stand before a Court-martial to determine what rewards, what honours, or what increase of pay they were entitled to for gallant services, the army would get on much better. At present, the system pursued was degrading to the whole army, to the officers who ordered and

witnessed the punishment, as well as to those who were condemned to endure it. The Gentlemen in this country are thus exposed to witness what no other Gentlemen in Europe are obliged to see. These severe punishments were not inflicted for serious offences only, but on the most trifling matters of regulation in the regiment. There was nothing so trivial either in dress or equipment for which a soldier might not be flogged. When the number of desertions which took place was considered, and the punishments which might be inflicted for such desertions, he calculated that *five millions of lashes* might be *annually* inflicted on this account, for he must always calculate every lash given with a cat-o'-nine tails as nine lashes. We often heard of how many strokes a minute were given by a steam-engine, but the flogging system would far exceed, in this respect, any powers of the steam-engine. It was the opinion of almost every experienced officer, that no regiment, or no soldier, was ever corrected by those military punishments. The men who suffered the punishments were, in a manner, driven from their rank in existence, and afterwards appeared heart-broken, and ashamed to look their companions in the face. The House had lately expressed its sympathy for the sufferings of West-India slaves, but there was nothing in the West Indies which could be at all compared, for cruelty, with the manner in which the English soldiers were flogged. How painful it must be to their feelings when they marched against an enemy whom they knew was never flogged, to think of their own discoloured shoulders and dishonoured carcases? It was melancholy for them to recollect that if their bodies should be found upon the field of honour, although their breasts might be pierced with glorious wounds, their backs would exhibit the cruel marks of disgrace. It was no honour for any man to command persons liable to be flogged, as it was no honour to command galley slaves. The Hon. Baronet here read a long letter from Sir Robert Wilson, wherein he stated, "that he had the mortification to hear a Russian Minister tell the Emperor, that nothing was finer than to see an English regiment on parade, but that nothing was more disgusting than to see their camp in the morning, and witness the cruel and inhuman punishments that were inflicted there." Drakard had, in fact, very much libelled the Russian nation, when he stated that they had copied the barbarity of our military punishments. British officers, however, found that they could discipline the people of other countries without resorting to the cat o'-nine-tails. The Portuguese were allowed to have arrived at great proficiency in discipline, but they were never flogged as our soldiers are. The great Frederick of Prussia once governed his army, in a great measure, by the stick of the corporal: he, however, soon found the error of his system from the number of his desertions, and latterly adopted a very mild system. In this country the system of cruelty and torture had been introduced, principally with the view of *Germanizing* our soldiers; but the German soldiers in our pay were quite astonished at this mode of discipline, as nothing like it has been practised in Germany during their recollection. If British officers can make good soldiers of Germans, Portuguese, and every other nation, without flogging, what a scandal it is to this country to say that it is necessary with the English alone! In the army of our enemy, it must always be recollected, that there were rewards as well as punishments, and Parliamentary influence was not necessary to obtain promotion. As to the cruelty with which English soldiers were treated, he insisted that it was greater than the common feeling of mankind could bear to witness, if exercised on a beast. If any man was to use a horse, or any other animal, with such cruelty in a public place, his brains would probably be knocked out by the people. After a variety of other observations on the cruelty and inefficacy of the system of flogging, he concluded by stating, that, considering the advanced period of the Session, and the impossibility of now going into the enquiry, he thought it the best way to move for an Address to the Prince Regent, which he did to the following effect: "That an humble Address be presented to the Prince Regent, praying, that he would graciously be pleased to take into his consideration the practice of flogging soldiers, and that he would be pleased to give such orders to the officers commanding regiments, as might restrain, and in time remove, the cruel and unnecessary system now in force with respect to punishments in the army."

Mr. MANNERS SUTTON admitted the importance of the subject, but must think the statements much exaggerated. The very object proposed was already attended to, so far as was consistent with the military *policy* of the country. It was unfair to speak of the effect of the law until it had been tried: from the lateness of its enactment, it had not been fairly tried. Even now, frequent applications had been made to him to know how far the usual punishment might not be commuted for imprisonment. Instances of cruelty had been spoken of. If those were brought forward distinctly, they would meet investigation, and receive punishment. It was to be observed, that the object of the whole motion, the Local Militia-man, was omitted. From the mode in which the statement of that case was originally made, some inquiry had been necessary, and the result was the following statement:—The recruits had been assembled some days before the main body of the regiment, and there was a natural tendency to disorder. There were some reports that the mens' bread was bad, and the Colonel sent for the contractor to direct him to give better. The contractor asserted that the bread was good, and it was sent to the mess-table to be tried. The officers were all of opinion that it was of the proper quality; but the Colonel not leaving it even to this, sent some to the Inspecting-General, who pronounced it good. The regiment arrived in small parties, and some of those at night rather intoxicated. The clamour against the bread was kept up by these people; and loaves were found kicked about the streets—a proof that there was no attempt to try the bread. After this, the words "sour bread," and other insulting expressions, were chalked upon the walls—placards were hung up—the officers were hissed down the parade—and still the ringleader could not be found. The officers, however, were anxious that something should be done; the spirit was too dangerous to be passed over, and it was important to find out who was the exciter of the spirit. Taylor wrote the song of which so much had been said, and exhibited himself as *a prominent person*. He was punished, not for *the song*, as was absurdly said, but for *the part* which he had taken. His punishment was partially inflicted, and he acknowledged its leniency and propriety in the presence of the surgeon. That was enough as to the cruelty. As to the other statements of the Honourable Baronet, he hoped they were exaggerated. Some of those cases arose from regimental courts martial, which of course could not come within his (Mr. M. S.'s) cognizance; but they might be examined into. The statement of the desertions was exaggerated. There were some parts of his statement which he had heard with great regret. Such were those expressions, that the state of the British soldier was looked upon with horror by other troops. It was the first time such an idea had been started. The practice which had been lately adopted, of bringing military subjects before the House in all cases, was mischievous. Much mischief must be done by its growing into a custom. If Parliament made itself a court of military appeal, it would soon find that it had taken upon it an excessive burthen. The system would be broken down by this habit of appeals to Parliament. If the army were accustomed to make those appeals, some trifling abuses might be corrected, but the army would be gone. Where was the substitute for the present system? Imprisonment was now part of it. Capital punishment might be used; but was it to be said that there was to be no punishment, except capital, for the higher offences?

Mr. BROUGHAM regretted that the actual statement of that motion seemed to have totally escaped the Honourable Member, whose speech was much more like a prepared *anticipation* of a speech expected, than an answer to *one made*. The cases which his Hon. Friend had adduced had been objected to; but he would not trouble himself about those cases. He was satisfied with shewing from the principle of reason and law, that the system of flogging was unwise. The Judge Advocate had spoken of his amendments, and the effects he expected from them. But what was the change? The Mutiny Act had, since the Revolution, allowed of a latitude of punish-

ment for higher offences, and a court-martial might sentence to imprisonment or flogging. By the 22d section of the Act, a court-martial could go to any extent of punishment that did not injure life or limb. There was of course no change in the law; or if the Hon. Member said there was any change, he said what was not law. He had lately expressed himself strongly in abhorrence of the flogging of negroes, a race less connected with us than the objects of the motion, and the House were loud in their detestation of the cruelty. Why not, when it came nearer home, and among a gallant and manly race of beings? The spectacle of a military flogging was one of the most horrid; and that, not on the testimony of persons of peaceful habits, but on the authority of officers educated in the view of them. But those were the very men who talked of them in the most powerful language. The representations of those officers would have been answered, if they were capable of being answered, but they were not. They had given their names in the face of the whole army. If any thing could have been said, there were *venal pens enough to vindicate the cruelty.*—That the punishment was ignominious, was affirmed on the testimony of officers of no common distinction—General Stewart, Sir Robert Wilson, and General Cockburne. Flogging turned the indignation at the crime against the punisher. Why was not torture a regular punishment? Except a *dictum*, and a solitary passage in the Bill of Rights, there was nothing about the abolition of torture, because it never was the law of England. On the trial of Fenton for the murder of the Duke of Buckingham, there was an attempt at examining by torture, but the Judges declared that it could not be administered by the law of England. That law prohibited any unusual and cruel punishment. The punishment was not merely obnoxious as not reclaiming the culprit, but as an offence to public decency. His Hon. Friend had been called on to point out a substitute for flogging. The law had done it already, by pointing out imprisonment. There were other modes of making discipline secure, such as deprivation of pay and restraint of food. But now we took the wretched victim down from the triangles, an object for the dissecting room or for the hospital, to be hung up again, and receive another such punishment!—The Duke of Gloucester has thanked his Lieutenant-Colonel for not having had a single flogging in his regiment in two years and a half. (*Hear.*) Was there any decay of discipline on that account? No; the practice was ruinous to the soldier. He lost his spirit, feeling, and character.

Lord PALMERSTONE spoke against the motion.

Mr. WHITBREAD reprobated the system, and highly panegyrised the Dukes of Gloucester and Grafton for their discountenancing it in their respective regiments. Save this one black spot, he knew of no taint upon the honour of our army.

Mr. YORKE opposed the motion, and was inclined to think, that during the Hon. Baronet's stay in the Tower, he had been picking up stories from the old soldiers, and they really had played the *old soldier* on him.

Mr. W. SMITH spoke in favour of the motion.

Mr. PERCEVAL thought the House ought not to put any faith in the statement of the Hon. Baronet, who had gone about collecting old stories, which, the moment they were stated, were falsified. The Hon. Baronet then, with a new delicacy, came forward with an abstract catalogue of complaints, which were uncontradicted and uncontradictable, because anonymous. He reprobated in strong terms the degrading light in which the Hon. Baronet had attempted to place the British soldier. God knows where he had got the notions which he had promulgated that night, but whether he had derived them from some periodical work which he was in the habit of reading, or from the company which he was in the habit of keeping, he trusted that he would not find in that House a feller to support him.

Mr. ADAMS and Sir H. MONTGOMERY spoke against the motion.

Mr. C. HUTCHINSON supported the motion, and vindicated the discipline of the French and Russian armies.

Sir F. BURDETT, in reply to Mr. Perceval, said, that for lack of argument he had recourse to the *vulgar expedient* of imputing motives. If it was decent, he might with equal propriety retort such insinuations. In the present state of military law, every man in England was born to be flogged.

The House then divided—Ayes, 10—Noes, 94.

The House went into a Committee on Loveden's Divorce Bill, on which a very protracted discussion took place, and it was finally agreed that Mrs. Loveden should have an annuity of 400*l.* for her life. The Bill was read a third time and passed.—Adjourned.

Thursday, June 20.

There being only 35 Members present, the House adjourned.

Friday, June 21.

The Insolvent Debtors' Bill was read a second time, and referred to a Committee of the whole House on Monday.

RELATIONS WITH AMERICA.

The Weavers' Petition was ordered to be considered on Monday; upon which Mr. WHITBREAD took occasion to observe, that he was sorry it was postponed, as he could not be present on that day, and yet he had much to say on the deplorable condition of our manufacturers, which no aid could substantially improve. America, he said, had been wantonly insulted during the late negociations, and the adjudication respecting the Fox had thrown away the scabbard. "Knowing," concluded Mr. W. "the situation of the exchange of London, Liverpool, and Bristol,—knowing the state of our foreign relations, and the distressed state of the unhappy Petitioners,—and that hunger is a sharp task-master,—I shall move that an humble Address be presented to the Prince Regent, that he would be graciously pleased to direct, that a Copy of the Correspondence betwixt the Marquis Wellesley and the American Minister, during 1810, be laid before the House."

Mr. PERCEVAL said, that the Papers would be laid before the House next Session. Not having had any notice of the Hon. Gentleman's tirade, he could not now enter upon details respecting the late Correspondence with America, but he had no doubt that every thing could be satisfactorily explained. The Hon. Gentleman could know nothing of the effect of Mr. Foster's mission, and his speech might be attended with bad effects, when known in America.—The pressure on the Continent was much heavier than our own, and he thought it could not be long sustained.—(*Hear, hear!*)—To repeal the Orders in Council would only go to relieve the enemy from his distress.—A remark which had lately fallen from him had been misrepresented; he had never meant to give any opinion as to the probability of a war between France and Russia.

Mr. WHITBREAD replied: the Chancellor of the Exchequer, he said, uniformly opposed the production of papers.—The motion was negatived.

Mr. FINNERTY'S PETITION.

Mr. WHITBREAD presented a Petition from Mr. Finnerty, now a prisoner in Lincoln Gaol, for a libel on my Lord Castlereagh. Mr. W. said, he had advised Mr. Finnerty to present his Petition to the Regent, which he had done, but no notice had been taken of it.—(The Petition, which was now read, shall appear in next week's *Examiner*, as it ought to be universally and carefully perused.)

Mr. RYDER said, that he had received a letter from the High Sheriff on the subject, which stated, that Mr. Finnerty had at first only one hour allowed for exercise, but this had been extended to three. This *indulgence*, however, had been withdrawn, on account of the extreme impropriety and indecorum of Mr. Finnerty's behaviour, which was quite inconsistent with the rules and discipline of the gaol. He had not, nevertheless, any objection to inquire further into the matter, and to relieve, if possible, the inconveniences complained of.

Mr. WHITBREAD did not know what Mr. Finnerty's conduct might have been; but the charge against him rested on the single authority of the Sheriff's letter. The conduct of the Magistrates, as stated in the Petition, was highly improper, under any circumstances.

Sir F. BURDETT was of opinion that the Magistrates and Gaoler had no power to convert the prison into a house of correction, and at their pleasure to inflict solitary confinement: a

gentleman of his acquaintance had been refused admission to Mr. Finnerty.

Mr. HUTCHINSON thought that Mr. Finnerty was treated with downright cruelty, and it would be a disgrace to the House if his complaints were not remedied. The gaoler, with his family of three persons, monopolized thirteen rooms, while Mr. Finnerty was confined to a damp and noisome dungeon. By what authority did this gaoler assume such power? By what authority did he prevent the friends of Mr. Finnerty having access to him? Was this a part of his sentence? Mr. Finnerty was in a bad state of health—was he to be left to the mercy of a man who seemed to have capriciously and cruelly misused his trust? He thought it extremely hard, that a man should be thus treated, who had been prevented *proving the truth* of that libel for which he was now so severely punished, and for which he was now classed with culprits and felons. He hoped the Hon. Secretary would put a stop to this shameful persecution of Mr. Finnerty.

Lord CASTLEREAGH said, that if Mr. Finnerty thought himself aggrieved, his Petition was a most justifiable one. The libel for which he had been prosecuted, was not only a gross personal attack upon himself, but one equally gross on the Government of Ireland, and he could not, therefore, pass over it, without a tacit confession of *the truth** of charges so *heinous!* Having thus performed his *duty*, he wished to remove every inconvenience under which the Petitioner laboured.—(*Hear, hear!*)

Sir S. ROMILLY wished to know upon what authority Mr. Finnerty was locked up by the gaoler in solitary confinement? This was a power which the Court of King's Bench did not exercise. Was this fearful discretion to be left to the whim of the gaoler? It was a punishment only inferior to death. And what should be said to Magistrates, who told this wretched man that for three guineas a-week he could be better accommodated?—(*Hear! hear!*)—What! was this language for Magistrates? Parliament ought to inquire into power so shamefully usurped.

Mr. W. SMITH was of the same opinion as Sir Samuel Romilly.

Mr. RYDER said, it was a mistake to say that Mr. Finnerty was in solitary confinement; and his being sent to a prison in the country rather than to one near London, was at the request of the Petitioners own friends. He was ready, however, to afford every proper relief.

Mr. BROUGHAM maintained that this was an application for *justice*, not for *lenity*. Mr. Finnerty's friends, he knew, were refused admittance. A common sewer passed under the flooring of his cell, which emitted a most noisome smell.

Sir F. BURDETT said, also, that the cell was so dark, that at mid-day Mr. Finnerty was obliged to read by the light of the fire.

The Petition was ordered to lie on the table.—Adjourned to Monday.

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

J. Windle, Leominster, merchant.
H. Lines, Eydon, grocer.
T. Parkinson, Liverpool, currier.
J. Grimley, Ashted, die-sinker.
T. Robinson and N. Lawrence, Liverpool, merchants.
T. Poulson, Stoke-upon-Trent, potter.
T. Warrington, Burton-upon-Trent, victualler.
M. Earnshaw, Burnley, victualler.
G. Lake, Exeter, tailor.
H. Jackson, Holborn, stationer.
M. Petty, Manchester, builder.
J. G. Cogger, Newington, wire-worker.
J. Jolley, Vere-street, Clare-market, butcher.
G. Bell, Cross-lane, wine-merchant.
J. Ewarts, Cross-lane, wine-merchant.

*Lord Ellenborough would not permit Mr. Finnerty to prove the truth of his charges.—What impudent mockery is this!

SATURDAY'S LONDON GAZETTE.

This Gazette contains an account of the capture of a Danish row-boat and galliot, and two small privateers; the former by the Woodlark, Capt. Watts,—and the latter by the guard-boats of the Vigo, under Lieut. Streatfield, and Mr. Hodges, midshipman.

BANKRUPTS.

H. and C. Willacy, Liverpool, sail-makers.
W. Cole, Lambeth, victualler.
W. and J. Ludlow, Bishop's-Cannings, Wiltshire, colourmen.
P. Pritchard, Ellesmere, Shropshire, money-scrivener.
T. Goom, Bermondsey New-road, Surrey, fellmonger.
B. and E. Adams, Bucklershard, Southampton, ship-builders.
S. Dyer, Newbury, Berkshire, maltster.
E. Lewis, New Bond-street, haberdasher.
J. Banks, Canterbury-square, Southwark, dealer and chapman.
J. Samuel, Tenterden, Kent, watch-maker.
W. Wallis, Chepstow, cordwainer.
G. Scott, Houghton-le-Spring, Durham, manufacturer.
J. Jackson, jun. Greenlaw-Walls, Durham, miller.
T. Chapman, East-Retford, Nottinghamshire, mercer.
W. Lee, Hythe, Kent, stationer.
T. Page, Newhaven, Sussex, grocer.
B. Hanson, Middle-Scotland-yard, wine and brandy merchant.
B. Bourdillon, Walthamstow, insurance-broker.
J. Greaves, the younger, Copthall-court, insurance-broker.
C. Hopkins, Eastgate-street, Gloster, hatter.

PRICE OF STOCKS ON SATURDAY.

3 per Cent. Consols....63 $\frac{7}{8}\frac{5}{8}\frac{3}{4}$ | Omnium....1 $\frac{1}{8}\frac{1}{8}\frac{3}{4}$ dis.

OBSERVATIONS on Sir FRANCIS BURDETT'S Motion respecting MILITARY TORTURE, next week.

THE EXAMINER.

LONDON, JUNE 23.

NOTHING material in addition to the old reports has been received from Portugal during the past week, except an official account of the Battle of Albuera by SOULT, in which he makes the usual claim of victory, pretending that he kept the whole ground after the battle, and did not move from it till two days had elapsed, but letting slip, somewhat aukwardly, that in the mean time he *left* two or three hundred wounded on the field. This contradiction has been justly exposed as conclusive against his pretension, but at the same time it is acknowledged that we had formed a mistaken idea of the superiority of his numbers. The whole account however, taken with that of General BERESFORD, proves what has been before represented in this paper, that the engagement at Albuera was an impetuous and bloody concussion, which left both parties stunned, as it were, upon their own ground, but the result of which must be reckoned favourable to us, inasmuch as the enemy was not able to execute his manifest design upon Badajos. The Marshal announces his intention of gathering additional strength, and not resting until we are undone. This is in the usual French style; but it must be acknowledged, that a stout reinforcement on his part could be no pleasant contemplation to resonable politicians in this country, considering the severity of our late conflict in the Peninsula, and the advantage that BONAPARTE has over us in military resource. The wonder is, that BONAPARTE should, to all appearance, be so dilatory in using it, and in drawing upon his vassals for the requisite assistance. Has he

got indolent with his corpulence and his family concerns? It is possible that he may have been waiting to see the end of a dispute with Russia, and if this has been the case, the cause of his delay is now at an end if we are to believe the very confident reports of a complete restoration of amity between the two Emperors. This event, in the conviction of it's being true, is bitterly deplored by some writers, who, like Sir ROBERT WILSON, in their ardour against BONAPARTE, take every Russian recruit for a HENRY V. But it will not be very affecting to those, who, drawing a middle line between the two extreme representations of the Russian people by Sir ROBERT and Dr. CLARKE, consider them as manifestly semi-barbarous, and quite unable to cope with the civilized powers of Europe in any thing requiring an advanced state of intellect. It is in this light that they have been regarded by such of their own Sovereigns as had sufficient good sense not to be blinded in their ideas of power by mere hugeness of territory or the brutality of the people scattered over it. CATHERINE the Second in particular was confessedly anxious not to let her military force be too much known southwards: and as her reasons for this anxiety must still exist, considering the little progress that Russia has made since her death in intellectual acquirement, and particularly the sad experience it has had even of those who may be supposed to be most advanced in intellect,—it's Generals and Ministers,—the cause of the Peninsula may even be congratulated on the continued passiveness of the Emperor ALEXANDER, since it is every way probable that he would have come into the field only to be beaten as soon as he appeared, and BONAPARTE would have then turned with fresh powers of intimidation to pursue his usurpation uninterruptedly.

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Paris Papers of the 17th and 18th instant arrived yesterday. The *Moniteur* contains BONAPARTE's Speech on the opening of the Session of the Legislative Body, which took place on the 16th. The Speech is as follows:—

"*Gentlemen Deputies of Departments to the Legislative Body,*

"The Peace concluded with the Emperor of AUSTRIA has been since cemented by the happy alliance I have contracted: the birth of the King of ROME has fulfilled my wishes, and satisfies my people with respect to the future.

"The affairs of religion have been too often mixed and indeed sacrificed to the interests of a State of the third order. If half Europe has separated from the Church of Rome, we may attribute it specially to the contradiction which has never ceased to exist between the truths and the principles of religion which belong to the whole universe, and the pretensions and interests which regarded only a very small corner of Italy. I have put an end to this scandal for ever. I have united Rome to the Empire—I have given Palaces to the POPES at Rome and at Paris; if they have at heart the interests of religion, they will often sojourn in the centre of the affairs of Christianity—It was thus that St. PETER preferred Rome to an abode in the Holy Land.

"Holland has been united to the Empire; she is but an emanation of it—without her the Empire would not be complete.

"The principles adopted by the English Government, not to recognise the neutrality of any flag, have obliged me to possess myself of the Mouths of the Ems, the Weser, and the Elbe, and have rendered an interior communication with the Baltic indispensible to me. It is not my territory that I wished to increase, but my maritime means.

"America is making efforts to cause the freedom of her flag to be recognised—I will second her.

"I have nothing but praises to give to the Sovereigns of the Confederation of the Rhine.

"The union of the Valais has been foreseen ever since the Act of Mediation, and considered as necessary to conciliate the interests of Switzerland with the interest of France and Italy.

"The English bring all the passions into play.—One time they suppose France to have all the designs that could alarm other powers, designs which she could have put in execution if they had entered into her policy. At another time they make an appeal to the pride of nations in order to excite their jealousy. They lay hold of all circumstances which arise out of the unexpected events of the times in which we are—It is war over every part of the Continent that can alone ensure their prosperity. I wish for nothing that is not in the treaties I have concluded. I will never sacrifice the blood of my people to interests that are not immediately the interests of my empire. I flatter myself that the peace of the Continent will not be disturbed.

"The King of SPAIN is come to assist at this last solemnity. I have given him all that was necessary and proper to unite the interests and hearts of the different people of his provinces. Since 1809, the greater part of the strong places in Spain have been taken after memorable sieges. The insurgents have been beat in a great number of pitched battles. England has felt that this war was approaching its termination, and that intrigues and gold were no longer sufficient to nourish it. She found herself therefore obliged to change the nature of it, and from an auxiliary she is become a principal. All she has of troops of the line have been sent into the Peninsula.—England, Scotland, and Ireland are drained.—English blood has at length flowed in torrents, in several actions glorious to the French arms.—This conflict against Carthage, which seemed as if it would be decided in the fields of battle, on the ocean, or beyond the seas, will henceforth be decided in the plains of Spain! When England shall be exhausted, when she shall at last have felt the evils which for twenty years she has with so much cruelty poured upon the Continent, when half her families shall be in mourning, then shall a peal of thunder put an end to the affairs of the Peninsula, the destinies of her armies, and avenge Europe and Asia by finishing this second Punic war.

"*Gentlemen Deputies of Departments to the Legislative Body,*

"I have ordered my Minister to lay before you the accounts of 1809 and 1810. It is the object for which I have called you together. You will see in them the prosperous state of my finances. Though I have placed within three months 100 millions extraordinary at the disposal of my Ministers of War, to defray the expences of new armaments which then appeared necessary, I find myself in the fortunate situation of not having any new taxes to impose upon my people—I shall not increase any tax—I have no want of any augmentation in the imposts."

The *Moniteur* of the 18th contains a long article, under the head of "News from the Army of Spain." It relates entirely to the proceedings of SUCHET against the Fort of Olivia, before Tarragona. The operations began on the 3d of May, and concluded on the 29th, when the Fort was stormed and taken, after a most obstinate resistance.

Particulars of the Engagement between the United States frigate President, Commodore ROGERS, and the British sloop of war, Little Belt, Captain BINGHAM:—"On the night of the 16th inst. about nine o'clock, the frigate fell in with the sloop of war about 20 miles north-east of Cape Henry; and when within pistol shot of her, Commodore ROGERS hailed her—no answer was given—Commodore ROGERS hailed her a second time, and in the act of hailing, a shot was fired from the sloop into the frigate. The frigate immediately fired a shot into the sloop of war—she poured a broadside into the frigate. Here the action commenced, and continued about 15 minutes, when the sloop of war ceased firing. The frigate remained near her all night. The next morning Commodore ROGERS sent an Officer on board, to offer assistance and to express his regret at the circumstance. The sloop proved to be the Little Belt, Capt. BINGHAM, who apologized, and gave as a reason for firing into the frigate, that he supposed her to be a Frenchman, and politely declined any assistance. The Little Belt lost, in killed and wounded, thirty men, was very much injured, having had nearly all her masts and spars shot away, besides several shots in her hull. This sloop of war is rated an eighteen-gun sloop, and carries thirty-two pound carronades. The President received some trifling damage in her rigging, and had one boy slightly wounded."—*New York Gazette, May* 24.

Sir WM. SCOTT, on Tuesday, in the Admiralty Court, pronounced sentence of condemnation on the Fox and 18 other American vessels brought into British ports, they having violated the blockade and Orders in Council of the British Government.—The Judge in pronouncing sentence, remarked, that sufficient time had been allowed to Ambassadors, and all parties concerned, to produce *proof* of the Berlin and Milan Decrees of France having been rescinded; but as no such proof had been adduced, he could no longer delay the sentence of condemnation.

A riot of rather a serious nature took place in Dublin on the 16th inst. in consequence of the interference of the police to disperse an assemblage of men, collected in one of the outlets of the city, for the harmless purpose of amusing themselves with wrestling and other exercises, according to custom. An affray ensued, which was attended with the loss of several lives. A legal investigation will take place.

MR. HOWARD.—This unfortunate Gentleman, so well known to the public by his repeated attempts in the various Courts to obtain a hearing of his claims to the Norfolk title, is now in Tothill-fields Prison among culprits and felons. On Friday, while quietly standing, with his unhappy wife, on the pavement opposite the door of the Duke of NORFOLK, waiting, in fact, to speak to the Duke, who was expected out, he was seized by two agents of his Grace, and carried to Marlborough-street, where they charged him with having excited a riot, in St. James's-square, on Thursday night.—For want of bail, Mr. HOWARD was sent to prison.

FINE ARTS.

ROYAL ACADEMY EXHIBITION.

Nos. 57 and 78, exhibit East India Architectural Ruins in Mr. DANIELL's long admired style of firmness, breadth, lucidness, and force. The brightness of the lights,—the deep solemnity of the shades,—the broad masses in which the colour, light, and shade, are spread over the canvass,—and the grandeur of the objects represented,—conspire to a complacent elevation of feeling. (*To be continued.*)

The Directors of the British Institution have decided, that Messrs. HILTON, JOSEPH, and DAWE, shall have the three Premiums of 200, 100, and 50 guineas, equally divided between them, as their Pictures, they say, display an equality of merit.—These Paintings represent the *Entombing of Christ*,—the *Return of Priam with the Body of Hector*,—and *A Negro overpowering a Buffalo*,—a picture which certainly possesses merit; but Mr. DAWE has doubtless seen a Print representing almost the identical subject.

TO THOMAS LAWRENCE, ESQ. R. A.

ON HIS PORTRAIT OF MR. PRESIDENT WEST.

LAWRENCE, whose pencil brightens year by year,
Dipt in that stream of Painting's inmost bow'r,
That seems a rainbow still'd from orient show'r,
And gleams prismatic flush on all things near,—
Well hast thou touch'd his look with whom began
In British art the vital truth of form;
And well hast seated, wrapp'd in colours warm,
The glowing master and the kind old man.
Refresh'd we turn from all those old grimaces,
Smiling or frowning with the self-same air,
That speak a soul no deeper than their faces,
And ask us, not in vain, for mutual stare.
Thine is true portraiture, which still should be,
In skill and int'rest, close on history.

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THEATRICAL EXAMINER.

No. 96.

HAYMARKET.

THE subject of the new drama at this theatre, called the *Royal Oak*, is immediately perceived by the title of the piece. It is founded on the sufferings of *Charles* the Second after his defeat at Worcester, including the battle at that place, his successful shelter in an oak-tree, and his final escape back again to France. These incidents are of a nature to excite great interest; and as the author has not scrupled to represent his hero as a pattern of courage, candour, and warmth of heart, he has succeeded in awakening the attention and sympathy of the spectators to no inconsiderable degree. He is, of course, very far from confining himself to matter of fact: indeed the adventures which are recognized by the spectator as founded on the real history are coloured so as to retain little of their former complexion, and to these are superadded the most romantic fables, of which the family of *Colonel Windham* are made the instruments. In the house of this gentleman, *Charles* is represented as escaping from the search of his enemies by the heroic devotion of the Colonel's son, who, at the suggestion of his mother, disguises and delivers himself up to them. The mother afterwards becomes almost frantic at the thought of

having sacrificed her son; and a young lady to whom he had just been married or betrothed, becomes quite so:—the King, overbearing the outcries that arise on the occasion, enquires into the mystery, and being stricken with admiration at the conduct of the youth and with pity at the situation of his family, makes out with an intention of sacrificing himself in return, and of exchanging himself, if possible, for his heroic friend: he accordingly delivers himself up to *Fairfax*, whom the author has still kept on the scene, though the General had thrown up his commission some time before. The surrender is made in consequence of a promise given to the unknown of sparing the life of young *Windham* in case the former should be the means of delivering up the King:—the King accordingly delivers up himself; and a good surprise is occasioned to the spectators by the supposed duplicity of *Fairfax*, who in apparent violation of his promise threatens to deal with both his prisoners in the same manner, and while *Charles* is venting his horror and indignation at the idea, gives orders that they shall both be suffered to pass the lines unmolested. The prince and his friend return to their overjoyed friends; shortly after which event *Charles* effects his escape in the midst of their tears and good wishes; and the piece concludes with a general chorus on their parts of HANDEL's anthem, "Let the King live for ever,"—a proceeding which must have been somewhat startling to the shores of Brighton,—not to mention, impolitic.—The language of this piece is sufficiently commendable in general, and may be considered as a relief from the ordinary nonsense of the stage. The characters also are well kept up according to the turn the author has given them; so is the cast given to the air and habits of the republicans, except in something which *Charles* says about Cromwell's "gorgeous" state; and in a word, as ELLISTON put forth his best powers, at least on the first night of the representation, in the part of the fugitive prince, the drama altogether deserved as well as obtained success.

It is proper however to enter a strong,—perhaps an indignant protest, against the gross misrepresentation in which the author has indulged himself respecting the character of Charles II. Whether the author intended him as a sort of prototype either of the present fugitive King of Sweden or of the captive King of Spain, it is impossible to say; but whether he did or not, history ought not to have been violated. It is a question whether history ought ever to be violated in the smallest degree with respect to the characters of men;—Shakspeare certainly has helped to give additional odium to the character of Richard the Third, by fixing in the popular mind all the terrible reports respecting that usurper, and if he has been wrong in so doing,—if he has been wrong in making a bad man worse than he was, nobody can doubt that an author is still more wrong in turning a bad man into a good one, for whereas in the former instance crime is only punished a little too much, in the latter it is absolutely rewarded, and rewarded too by the only means which are left for the punishment of a guilt too high to reach during its existence,—posthumous reputation. England has suffered so many miseries from the selfish despotism of the House of Stuart,—a family which had not even the excuse of a want of sense,—that a dramatist, however prepossessed in favour of monarchs in general, ought to have thought better of his political as well as theatrical duties, before he undertook to represent in a praiseworthy and even noble light the very worst character in that House. In the dramatic *Charles II.* before us, the spectators see nothing but a young prince, still more interesting from his virtues than from his misfortunes, burning with the love of every thing that is great and affectionate, a hero in courage, a patriot in politics, a martyr in the cause of friendship; in short, the most brave, the most liberal, and the most noble of men. What could such of them as are ignorant of the real historical *Charles* say at being informed, that never was there a portrait more unlike; that this prince, so recommended and adorned, had no recommendation about him but that of an affable and easy manner, which belied his heart, and nothing respectable in his whole composition but that of a talent for wit which he abused; that even his courage, if it was never absolutely disproved, was very strongly doubted; that so far from having any patriotism in his politics, he openly endeavoured to establish absolute monarchy in the state; and so far from being grateful for kindness, or having the least real tenderness in his composition, he is acknowledged even by his panegyrists to have been one of the most selfish of mankind. It was indeed an acknowledged maxim of his, arising out of the profligacy of his habits, that as he believed nobody else to be sincere, it was his business to feel nothing for others, but as far as he could make tools of them; and this acknowledgement was the only circumstance perhaps in which he did not act the hypocrite. One of his first acts in attempting to regain his throne was the publication of a paper in which he reprobated his late father's conduct, expressed contrition for his own bad life, and pretended to be a convert to presbyterianism, and his whole existence was of a piece with this paper, a tissue of falsehoods, meannesses, and want of common decency and feeling; it is notorious, not only that he was the patron and the political parent of the execrable Jefferies, that he violated his own promises of pardon, upon which subject he expresses so much indignation against his enemy in the play,—but that, in order to maintain his unfeeling and abandoned profusion, he became the pensioner of the French king; so that of all the princes of England, he is the very last perhaps that has any claim upon the indulgence of her posterity, having been as slavish to her enemies as he was tyrannical to herself. In a word, that no false impressions may be made on the minds of those who may see this play in future, and no excuse be left for it's author, let the reader refer to any one history of Charles II. partial or impartial, and see what his own conclusions must be. Even Hume, the studious advocate of the Stuarts, and who, considered as a philosopher and a man of virtue, as he really was, treated the despotism and the profligacy of kings with a levity altogether unaccountable, is forced to confess that our romantic hero was a man who never scrupled to sacrifice his friends "to present ease or convenience;" and in fine, I believe there is no reflecting and well-meaning person, of whatever side in politics, who does not think that Charles II. deserved a scaffold much more than Charles I.: for if the latter was a public tyrant by education, he was a worthy man in private, while the latter was not only a tyrant in spite of all that he had suffered and all the benefits he had received, but was an unmixed profligate in all the relations of life.

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THE KING'S ILLNESS.

"*Windsor Castle, June* 15.

"His Majesty appears to have been a little better this week than the week preceding."

CARLTON-HOUSE GRAND BALL.

The following account is taken from the *Morning Herald* of Thursday last:—that paper, it seems, is now the Court Journal:—

"This Palace of Enchantment was opened last night to the numerous persons of distinction who had been honoured with cards of invitation. Soon after nine o'clock the company began to arrive, and although the utmost order and regularity were observed, it was between twelve and one o'clock before the whole assemblage was formed. The illustrious family of *the House of Bourbon* entered through the gardens about ten, when they were ushered into the Privy Council Chamber, where the Prince Regent was sitting under a crimson canopy of State, surrounded by the Officers of his Household, who, on their approach, immediately rose to receive them. The French Sovereign was introduced by the Earl of Moira as Comte de Lisle, her Royal Highness the Duchess d'Angouleme by the Duchess of York, and the French Princes by Lord Dundas. They were received not only with the utmost respect, but with every mark of affectionate regard. The amiable daughter of Louis XVI. naturally attracted his chief attention, the exhilirating effect of which was clearly discernible on her woe-worn but interesting countenance.

"From this grand ceremonial the Illustrious Strangers retired into the sky-blue satin room that adjoined; the expensive suite of curtains of which were of the same colour, lined with white silk, and massily embroidered gold fringe, leaves, and tassels, and beautifully decorated with *fleurs-de-lis*—a marked and delicate compliment to the Illustrious Visitors.

"The Prince Regent now passed through into the Grand Saloon, which was most brilliantly illuminated, and is confessedly, in every respect, the finest room in Europe. Here his Royal Highness now paid his respects to the Noblesse, &c. crowded and assembled, in his most graceful and truly fascinating manner.—The company were for some time naturally lost in amazement at the *coup d'œil*, which the views through two distinct suites of apartments have so magically presented.

"It would be a difficult task to describe, in terms adequate, the effect produced by the profusion of magnificent objects, which, at every glance, conveyed an exalted idea of princely taste, national grandeur, and the fine arts, cherished in a state of perfection. The apartments were decorated with splendour perfectly new. The Palace was a scene of enchantment, and every elegant female, clad in the attire of her native country, appeared the Armida.

"THE CONSERVATORY was one of the most distinguished objects in the splendid arrangement. The building, of the Gothic order, appeared to be the most perfect and beautiful specimen of that style executed in modern times. It presented, at one glance, the fine effect of a lofty aisle in an ancient cathedral. Between the pillars, *candelabras* were suspended twelve feet above the ground, each presented four brilliant patent burners, which spread a breadth of light not easy to describe. The interior struck the beholder with astonishment. The grand table extended the whole length of the Conservatory, and across Carlton House, to the length of two hundred feet. Two feet of space was allotted each guest in the original calculation. Along the centre of the table, about six inches above the surface, a canal of pure water continued flowing from a silver fountain, beautifully constructed at the head of the table. Its faintly waving, artificial banks, were covered with green moss and aquatic flowers; gold and silver coloured fish were, by a mechanical invention, made to swim and sport through the bubbling current, which produced a pleasing murmur where it fell, and formed a cascade at the outlet. At the head of the table, above the fountain, sat his Royal Highness the Prince Regent on a throne of crimson velvet, trimmed with gold. The throne commanded a view of the company. The most particular friends of the Prince were arranged on each side. They were attended by sixty *serviteurs*; seven waited on the Prince, besides six of the King's and six of the Queen's footmen, in their state liveries, with one man in a complete suit of ancient armour. At the back of the throne appeared *Aureola* tables, covered with crimson drapery, constructed to exhibit, with the greatest effect, a profusion of the most exquisitely-wrought silver gilt plate, consisting of fountains, tripods, epergnes, dishes, and other ornaments. Above the whole of this superb display, appeared a royal crown and his Majesty's cypher, "G. R." splendidly illumined. It is almost unnecessary to add, that his Royal Highness gave all the grandeur and honour of this brilliant Fete to his Royal Parent. The lesser wax-lights in silver, placed on the table, were correspondent with the whole mass of elegance. The sides of the Conservatory were hung with variegated lamps. The arches were also illuminated with lamps springing from the pillars. Down the centre from the roof were suspended several beautiful chandeliers and lustres, and the whole raised in the minds of the spectators the most exalted ideas of the Prince's taste and liberality.

"The Supper was the most superb, in spectacle arrangement, that perhaps ever was exhibited in this country. The state-table of the Prince Regent was ranged along the Conservatory, the west-end of which (being the head), was hung semi-circularly with a crimson silk ground, covered with transparent muslin, drawn into a variety of apertures, for the splendid display of numerous gold vases, urns, massy salvers, &c. &c. embossed by admirable workmanship, and the whole surmounted by a most superb ancient urn, captured in the reign of Elizabeth from the Spanish Admiral, who commanded what was so presumptuously styled the "*Invincible Armada*." The whole from the design and directed under the superior taste of Messrs. Rundell and Bridge; the service of this table was in gold.—Adjoining to this, were tables running through the library and whole lower suite of rooms, the candelabras in which were so arranged, that the Regent could distinctly see, and be seen, from one end to the other. Along those tables, the Royal Family of England, and that of the Bourbons, and the Noblesse, were seated conformably to their respective ranks. On the *right hand* of the Prince Regent was placed *the Duchess d'Angouleme*—on his left, the Duchess of York. From the Library, and room beyond, branched out two great lines of tables under canvas far into the gardens, each in the shape of a cross, all richly served with silver plate, and covered with every delicacy that the season could possibly afford. When the whole company was seated, there was a line of female beauty, more richly adorned, and a blaze of jewellery more brilliant, than England probably ever displayed before.

"The Prince Regent sustained the Royal Host throughout with all the dignified and unabating courtesy that so arduous a character requires. It could be no wonder, that all were pleased and gratified, when the Ladies, to a woman, appeared so charming and delighted.

"All that art, taste, and expense could command, for personal decoration, had been in requisition for the night. The Ladies' dresses, though pretty generally white, were diversified with all the skill that ingenuity could devise. The main contest, however, for superiority in attire, seemed to lie between the Countess of Clonmel and Mrs. Thomas Hope, and on their entrance, it was for some time doubtful to which the palm of splendour was justly due; it was at length pretty generally ceded as the right of the latter.

"The Prince Regent wore a Field-marshal's uniform, with his hair in a long queue, the cordon blue, and a superb brilliant star, a large diamond loop and button in his hat and feather, wearing a sabre, the handle and scabbard of which were most richly studded with jewellery. His looks and graceful deportment throughout the night were in perfect unison with his princely costume.

"The library and the council-room displayed the greatest state. The latter was appropriated to dancing, and the floors chalked in a beautiful style. In the centre appeared G. R. III.

with the crown, supporters, and blazonry. The external decorations were equally grand and pleasing. The aisle opposite the grand conservatory was furnished with large mirrors, girandoles, and candelabras. It formed a superb promenade, rendered delightful by garlands and festoons of roses, pinks, carnations, and the finest flowers of every species. Orange-trees, fruits, and flowers, also bloomed along the banks, growing in a state of nature. Four handsome marquees were pitched on the lawn of Carlton-House, with a *chevaux de frize* to guide the company in their promenades. Bands of music were stationed in the tents; and when dancing commenced, the gay throng stepped over floors chalked with Mosaic devices, and moved through thickets of roses, geranium, and other fragrant sweets, illumined by variegated lights, that gleamed like stars through the foliage. In the course of the night, a brilliant discharge of fire works took place, which gratified an immense body of spectators. The company sat down to supper about one o'clock; and after they had taken some refreshments, they returned to the festive dance, which continued till the blush of morn warned the gay throng to retire. A vast concourse of persons continued near the Prince's residence until the fete, which was, perhaps, the grandest entertainment ever witnessed in this country, ended.

"At six o'clock, in the afternoon of Wednesday, the grenadiers of the Guards paraded in white gaiters, with the bands of their regiments in the Court-yard of Carlton-House. They were soon after joined by a strong party of the Life Guards dismounted. A troop also paraded in Pall-Mall to keep order among the carriages, according to previous arrangement.—At this early hour, the anxiety of the public to witness the preparations was conspicuous. Persons were seen coming in every direction of the town towards the Prince's residence.—At eight o'clock the carriages began to approach with company, and before nine, when the Prince's gates were opened, the different ranks extended to Piccadilly. The Park was guarded, and no person admitted, at nine o'clock, when the Band began playing as the carriages entered the Court-yard. The populace then approached in large crowds. Pall-Mall was soon thronged, and the windows occupied by Ladies. The avenues to Carlton House were completely invested by ten o'clock, and the streets at the west end of the town exhibited a scene of mirth and bustle. Several of the Prince's particular friends sent their upper servants, dressed in black, with white waistcoats and silk stockings, to wait on the company."

LAW.

COURT OF KING's BENCH.

Wednesday, June 19.

TRIAL AT BAR.—SIR FRANCIS BURDETT v. THE SERJEANT AT ARMS.

At ten o'clock this morning, the Jury being sworn, Mr. SHEPHERD opened the pleadings, and stated the case.

Mr. Serjeant SHEPHERD then addressed the Jury.—The parties to this action, he observed, were Sir F. Burdett, a Gentleman of high rank, splendid fortune, and exalted character; and the defendant was Mr. Coleman, the Serjeant at Arms attendant upon the House of Commons, a Gentleman also of great respectability. The complaint was, that the latter had been guilty of a trespass, by entering the house of the prosecutor in the manner in which he had done it, to execute the warrant of the Speaker of the House of Commons. The question was not really between the plaintiff and defendant, it was between the plaintiff and the House of Commons, to try the extent of their power and privileges in the mode of executing their process. The Constitution, in its wisdom, had most fitly distinguished between questions of law and facts, and it was not his intention to draw into question any matter of law which the Court had recently decided, because he knew that if the judgment of the Court were not acquiesced in, there was an appeal to a Court of ultimate resort. The plaintiff complained, that his house was broken open, and his person unlawfully imprisoned. The defendant justified himself as acting under a warrant of the Speaker of the House of Commons. The plaintiff to this had replied, that they used excessive and unnecessary force to carry that warrant into execution.—Now here it was matter of law, whether the House of Commons had a right to issue such an order, and the only question of fact was, whether they did it or not? But there was also another question, compounded of law and fact, namely, as to the mode of executing the warrant—that is, whether it could be legally executed in a forcible manner; and whether those circumstances existed which rendered a forcible execution necessary? With respect to the power of the House of Commons in executing their process, he had considered much, and he had been able to conclude little. When the House of Commons first assumed the right of carrying their orders into execution, it was thought that their mace had sufficient force. A verbal message had been even deemed a sufficient execution of their process. With respect to the Officers of the Common Law, he knew their respective powers and duties, but he had never any where found the validity of the Speaker's warrant; for in former days the thing seemed to be perfectly unknown. He could never find in any of our ancient law-books the duties defined of the Serjeant at Arms. He found that there were two Serjeants at Arms to the King, and that one of them was attached to the Court of Chancery; and that it was his duty to take all persons who did not come in upon a Commission of Rebellion. But he was yet at a loss to discover any trace in our law-books of the duties of the Serjeant at Arms attached to the House of Commons. The Sheriff had the execution of all the King's writs, and he could call for the assistance of all his Majesty's subjects, with certain restrictions, to aid him in executing those writs. The petty constable could even do the same; but in whose name was the Serjeant at Arms to call for assistance, and who was bound to obey him? Whether refusing to assist the Serjeant at Arms might or not be voted a breach of privilege by the House of Commons, he knew not; but as a lawyer he ventured to assert, that such refusal was no indictable offence, as it would be to refuse aid in the execution of the King's writ; and he would put a case to shew in what predicament the subject would stand:—In the year 1621, a Member of the House of Commons, of the name of Duncombe, was accused of paying certain indorsements on Exchequer Bills; for this the House of Commons thought proper to bring in a Bill of pains and penalties. The Lords threw it out, or, in other words, acquitted him of the charge, and ordered him to be relieved from custody. The Commons would detain him in custody. Now it was clear, that the House of Lords had *equal authority*, as to their own *privileges*, as was possessed by the House of Commons with respect to theirs; and suppose it had happened that the Officers of the two Houses had met, the one to retain Duncombe in prison, and the other to liberate him, and had each demanded assistance of the bye-standers to assist him in executing the process of the House, who was to be obeyed? If the offence were punishable, the subject would be in a strange dilemma; obey whoever he would, he might be punished by the other; and all he had to do was, like Mercutio, who was wounded between the Capulets and Montagues, to exclaim, "*A plague of both your Houses.*" He begged the Jury to remember, that what he complained of was, that Sir F. Burdett was taken from his house by a military force; but when he said this, he meant not to attach any invidious reproach to the military character. Yet he must be permitted to say, that in all free States the interference of the military was justly regarded with a very jealous eye. The soldier under arms had a different character to the citizen of a free State; he was subjected to other laws, and was bound to act at the command of another, without exercising any will or reason of his own. He contended, therefore, that the interference of such a force could not be called upon without great and obvious necessity, and even if it should be found that Sir F. Burdett had done wrong in resisting this force, his fault was very venial: because, if the rights of the House existed on precedent, no precedent could be found of such a mode of executing the Speaker's warrant.—Great research had been made, and the greatest legal authori-

ties had been consulted; and when the defendant wisely consulted the Attorney-General, as his private Counsel, for advice, the research of that great Lawyer could furnish no precedent, and he was obliged to give his opinion, reasoning not from precedent but analogies. A great Politician and Statesman (Mr. Burke), in speaking of the Constitution of the House of Commons, had said, it was badly constructed to enforce its own orders, for they had no weapon more formidable than their own mace, nor any forces beyond their Serjeant at Arms. This was his opinion; but if they could vote any thing a breach of privilege, and command the military to execute their vote, their mace would become an iron sceptre, capable of beating down the liberty of every man in the kingdom. The Learned Serjeant then went into a detail of the history of several cases in former times; from which he inferred, that power in human hands was always liable to abuse; and concluded by intreating the Jury to bear in mind what was the real question in the cause, which was, whether it was necessary to use a military force to execute the warrant?

Three witnesses were then called; namely, *Bott*, the porter to Sir Francis Burdett, *Lancell*, the cook to Mr. Coutts, and *Jones Burdett, Esq.* the brother to Sir Francis. They detailed the mode in which the Plaintiff was taken. It appeared that Mr. Coleman wrote a civil note to Sir Francis, stating, that he had the warrant to carry him to the Tower, and Sir Francis appointed the next day to "receive him." But in consequence of the displeasure expressed by the Speaker to Mr. Coleman, he called on the same evening, Friday, April 6, when Sir F. said the warrant was an illegal warrant, and he would resist it by force. Mr. C. called the next day, but was refused admittance, and the doors were barricadoed until he was taken. In the mean time, a mob had assembled, and continued so until the Monday morning, when the Serjeant, aided by the military and others, broke into the area, and proceeded to the drawing-room, where Sir F. was forcibly taken from his family, and carried to the Tower under a military escort. There were about sixty soldiers in the hall at the time he was taken. *Bott* said, there was no riot in the street till the soldiers came and hindered every body from passing; boys and old women huzzaed before that; there might be old men: the mob was not very considerable; it was a very public street, and was very frequently crowded: there was nothing extraordinary: it was a customary thing to stop carriages, and would most likely happen to the Attorney General now. The mob threw dirt at those who refused to take off their hats. The same thing occurred at elections, which the riot in question resembled as much as could be. Sir Francis Burdett, during the time, never appeared at the window. He really believed Sir Francis Burdett might have been carried peaceably to the Tower at any time.—Upon his re-examination, the witness said, that the military first appeared on Friday, mostly horse-soldiers, riding over every body.—Lord ELLENBOROUGH—"Did you see any body rode over?"—*Witness*—"I saw several people knocked down, my Lord." This being the Plaintiff's case,—

Mr. ATTORNEY GENERAL in reply said, however tempting many of the topics were which had been urged by the Learned Serjeant, he should abstain from noticing them, as not being connected with the present case. There was but one plain fact to try, namely, whether the Serjeant wantonly carried a large military force for the purpose of arresting Sir F. Burdett;—in the words of the issue, "whether that force was *excessive and unnecessary.*" Now the Jury would remember that the Officer had two duties to perform,—the one to arrest Sir F. and the other safely to carry him to the Tower; for his duty did not end until he had there delivered him, and therefore he required an adequate force to effect both these objects. Whether the Serjeant at Arms had a right to *demand* and to effect this purpose, was what he would not argue. He had clearly a right to ask it, and a right to receive it from those who were willing voluntarily to afford it; and, in measuring the degree of force necessary to carry Sir Francis to the Tower, he certainly did right to take into his consideration the degree of resistance which he saw the mob and the abettors of Sir Francis were inclined to exercise. With these principles in view, he desired the Jury to look at the facts of the case as they already were found, and still more, as he should prove them. By the three witnesses for the Plaintiff, it appeared that there was a large mob evidently inclined to resist any small force that the Serjeant might bring, and a determination of Sir Francis to resist the warrant. And he should prove further, that the mob was of a most alarming sort; that they assailed the military with every missile weapon; some were knocked from their horses; they were even fired upon, and two soldiers badly wounded; and with this disposition in the mob, he begged them to remember the issue, and say whether the force employed was "*excessive and unnecessary.*"

Mr. Clementson, the Deputy Serjeant at Arms, stated, that he accompanied Mr. Coleman to the house of Sir Francis, on the afternoon of Friday the 6th of April. Mr. Coleman had previously written to Sir F. Burdett, who had appointed 12 o'clock the next day to receive him. In this interview, Sir F. Burdett said the warrant was an illegal one, and he would resist it. He called again the next day, but was refused admittance; he however gained admittance on knocking a second time, but was turned out of the house by the servants. He and Mr. Coleman went on the Sunday morning, accompanied by the Police officers, but were refused admittance. On the Monday morning they broke into the area door, and found Sir Francis in the drawing-room. He was apprehended, but was treated with all the respect consistent with safe custody, and was conveyed to the Tower under a strong military escort.

Captain Agar, *Captain Davis*, and *Colonel Ferrier*, who were on duty on the Saturday, Sunday, and Monday, spoke to the riotous conduct of the mob. They stopped all carriages, and pelted those with mud who did not stop and cry "Burdett for ever." They treated the soldiers with every species of indignity. They pelted them with mud, glass bottles, and bricks, which they endured with great patience, and at length several shots were fired, by which two of the Life Guards were badly wounded.

Three Magistrates, Messrs. *Colquhoun*, *Baker*, and *Birnie*, all agreed it would have been impossible to have conveyed away Sir Francis without the aid of the military.—Several Police Officers were also examined as to the point, whether or not the military were at all necessary on the occasion, and they universally answered in the affirmative.

Serjeant SHEPHERD replied.

Lord ELLENBOROUGH was very brief in his charge, commencing with a compliment to Serjeant Shepherd. It was highly useful, he said, that in the administration of justice, questions of such great weight should have the advantage of passing through the hands of men of such moderation, such learning, and such ability. The present question lay in a narrow compass: the point to try was, whether there had been any excess? The military force had not, in his Lordship's opinion, been in any manner undeservedly applied; if the warrant had been consigned into the hands of a common bailiff, he would have proceeded without any degree of this mischievous lenity which impeded the Serjeant in the execution of his duty. His Lordship commented upon the letters of Coleman and Sir Francis. The meaning of the words "superior force" his Lordship understood in a corporal sense, connecting them with the chain of the door and other circumstances; and thought that if Mr. Coleman neglected the proper means of securing the order and quiet of the City, he would be inexcusable to the cause of humanity. The manner of the conveyance was, in his mind, perfectly unobjectionable. As the question was therefore merely of excess, he would read, if the Jury desired it, any part of the evidence they might call for; but the Jury thought proper to deem it unnecessary, and, on consulting for a moment, gave their verdict for the defendant.

The second record, in which Lord Moira was the defendant, was withdrawn, *pro defectu juratorum.*

Thursday, June 20.

THE KING *v.* THE REV. ROBERT BLACOW.

The defendant was brought up for judgment, for a scandalous

libel on Mr. Faircleugh and wife, of Liverpool, the particulars of which we have reported in a former number. After a severe reprimand from Mr. Justice Grose, he was sentenced to six months imprisonment in the King's Bench prison.

THE KING v. W. HARBERFIELD.

This defendant was also brought up for judgment, having been convicted of aiding and abetting four French prisoners of war to effect their escape from this country. He was sentenced to two years' imprisonment in Newgate.

COURT OF EXCHEQUER.

Saturday, June 15.

THE KING v. DE YONGE.

This case came on to be argued to-day before the Twelve Judges. The question regarded the right of the defendant to give more than a one pound Bank note and one shilling for a guinea.

Mr. MARRYAT, for the defendant, argued principally on two points; first, that the Acts of Edward III. and VI. contemplated exchanges of gold for gold, or of gold for gold and silver, &c. but could never apply to bank-paper, which had then no existence. Bank-paper, however, he proceeded to shew, never had, in the eye of the law, or otherwise, any certain or defined value. In support of this position, he referred to the Act of the 9th and 10th of William III. passed only a few months after the Bank incorporation, by which the Commissioners of the Treasury were empowered to authorise Bank-notes to be received in payment at the Exchequer, during the then Session of Parliament, and no longer, provided they should not then be at a discount; thereby clearly inferring, that Bank-notes might be deteriorated in value: 2dly, He proceeded to argue that the Proclamation, 1717, was contrary to law, being in violation of the Acts of the 6th and 7th of Edward VI. fixing the value of the guinea at 20s. and afterwards at 22s.

Mr. Baron THOMPSON said, that if the Learned Counsel was well founded in his argument, then a guinea was a good and legal tender for a debt of 22s.

Lord ELLENBOROUGH said, the interpretation to be put on the Act itself was highly important, and well deserving of consideration, without weakening the effect of the argument by another point hardly tenable.

The ATTORNEY-GENERAL spoke in answer to Mr. Marryat, contending, that the crime lay in selling the current coin of the country, not for other current coin of greater value, but for more in value than it was current for.

Lord ELLENBOROUGH remarked, that even in this way, the defendant might get through, by stating, that he did not sell the guineas at a higher rate of value than they were current for, but that he purchased the Bank-notes at a deteriorated price.

The ATTORNEY-GENERAL contended, that even here the defendant must fail, he having declared that he bargained for the guineas at an advance of 1s. 6d. on each. Here there was no cavil as to the value of the Bank-note; the only cavil was as to the amount of the sum above the current value of the guinea.

Mr. MARRYAT, in reply, contended, that it was a distinction without a difference, whether the guineas were sold or the Bank-notes bought.

The Judges, after deliberating, took time to consider the judgment to be pronounced by them.

ACCIDENTS, OFFENCES, &c.

On Tuesday morning, about a quarter past eight o'clock, a fire brok out in the oil warehouse of Mr. Jones, Bury-street, St. Mary Axe, and in a very short time every part of his extensive premises were in a blaze; so rapid were the flames, that not a particle of his property could be saved. Owing to a total want of water, the fire continued to rage with uninterrupted fury on the premises where it began, until near nine o'clock, by which time the houses on each side were involved in the conflagration, as was the Commercial Academy on the opposite side of the street; and before ten the four houses already mentioned were levelled with the ground, and the fire reached the fine mansion occupied by the High Priest of the Jews, which also was soon reduced to a heap of ruins; it was with difficulty that the female part of his family escaped. His library, in which were many valuable manuscripts, was also consumed. The fire continued its devouring course still farther, and burnt down the houses of Mr. Le Batts, Dr. Shannon, Dr. Van Novn, Mr. Abraham Milleda, Mr. Daniels, Mr. Smouda, and Mr. Isaacs, and considerably damaged several others.—Those who know Bury-street, will be able to form an idea of the extent of this destructive fire, when we state that a third of it, on both sides, is entirely levelled with the ground. The fire was not got under until between two and three o'clock in the afternoon; but no lives were lost.

The Corn Market, at Cork, which had been long in a state to threaten the safety of those who had any intercourse with it, was a short time since judged too insecure to be permitted to stand any longer, and an architect had proceeded so far in its demolition as to have taken down a considerable part of the roof, when on Saturday week, whilst the labourers were at work on the roof, the projecting stone cornice which terminated the upper part of the wall, fell down suddenly, and, melancholy to state, whilst a number of persons were collected immediately under it. Four unhappy persons, of humble condition, were killed instantly; some of them were terribly mangled by the immense stones which formed the cornice, and the others, though much injured, escaped destruction most miraculously.

About half-past six o'clock on Tuesday morning, a young man perceived a bag lying underneath some timber in a yard, adjoining to the Globe public-house, Borough-road, which contained the lower part of a man's body, with the intestines and heart wrapped up. Several Medical Gentlemen and Magistrates examined the corpse.—After a most minute investigation, the Magistrates and Parish Officers were of opinion that the remains were those of a body, which had been in the hands of a Surgeon, and ordered it to be decently interred; which was accordingly done.

Monday night, as Mr. Lampton, jun. was returning home in a one-horse chaise, down Maiden-lane, Battle-bridge, two highwaymen rode up to him, one on each side, when they demanded him to surrender up his property; but on his resisting and drawing out a brace of pistols from his side that were not loaded, the villains rode off towards Hornsey, without effecting their purpose.

An inquisition was taken on Wednesday, in Poland-street, on the body of Miss Fanny Hartle, who was burnt to death by her clothes taking fire. The deceased, who was an accomplished girl of seventeen, had habituated herself to reading after having retired to bed, and about twelve o'clock on Sunday night the house was alarmed by her screams, and on opening her bed-room door, an effusion of smoke burst forth, and the bed furniture was dicovered to be in flames. The poor girl was found speechless on the floor, and she survived until Monday afternoon, having been most dreadfully burnt. It was supposed that the deceased had accidentally set fire to the furniture.—Verdict—*Accidental Death.*

DEATHS.

Early yesterday morning, of a rapid consumption (which she supported with exemplary patience and fortitude), in the 20th year of her age, Miss Hannah Warren, second daughter of Mr. Charles Warren, the eminent engraver.

On Friday, June 14, at his house, in Brompton, William Brett, Esq. at the advanced age of 95.—Mildness, benevolence, and humility, (says a correspondent) were the striking features of his character.

On Saturday se'nnight, Mrs. Wm. Lister, of Woodhouse, near Sheffield, suddenly dropped down dead in his house.—He was discovered by a neighbour who had spoken to him only a few minutes before.

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